

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RONALD LOESEL, ARTHUR
LOESEL, GAYLE LOESEL, ELAINE
LOESEL, VALERIAN NOWAK,
VALERIAN NOWAK AND ALICE
B. NOWAK TRUST BY VALERIAN
NOWAK,

Plaintiffs,

v.

Case Number 08-11131-BC
Honorable Thomas L. Ludington

CITY OF FRANKENMUTH.,

Defendant.

**ORDER GRANTING MOTION FOR ASSESSMENT OF INTEREST AND
DETERMINING PRE-JUDGMENT INTEREST**

On July 30, 2012, the Court ordered the parties to provide supplemental briefing explaining the appropriate amount of pre-judgment interest pursuant to the rates under 28 U.S.C. § 1961. The parties agreed that the pre-judgment interest would be \$110,096.38 if the interest should be calculated from the July 30, 2012 opinion and order determining the amount of attorney fees awarded. Defendant, however, argues that pursuant to *Associated General Contractors of Ohio, Inc. v. Drabik*, 250 F.3d 482 (6th Cir. 2001) the Court's September 27, 2010 opinion and order is the "judgment" that entitled the prevailing party to attorney fees. 250 F.3d at 486 (concluding that post-judgment interest on an attorney fee award runs from the date the district court entered a judgment that unconditionally entitles a party to a reasonable attorney fee regardless of whether the attorney fee award has been quantified). Using this date, Defendant contends that \$96,867.94 is the appropriate amount of pre-judgment interest. The Court agrees that the pre-judgment interest runs

from September 27, 2010.

Accordingly, it is **ORDERED** that Plaintiffs' motion for assessment of interest (ECF No. 96) is **GRANTED**. This resolves the last pending issue and terminates the motion.

It is further **ORDERED** that Plaintiffs shall be paid \$96,867.94 in pre-judgment interest for a total judgment of \$3,887,229.44.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 13, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 13, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS